

## **EXHIBIT K**

Case 1:21-cv-01117-MV-CJB Document 47-11 Filed 06/02/22 Page 2 of 6 PageID #: 990

**From:** Aly, Amr O. <AAly@jenner.com> on behalf of Aly, Amr O. <AAly@jenner.com>  
**Sent:** Thursday, May 12, 2022 6:46 PM  
**To:** John Downing <JDowning@kasowitz.com>; Peter Mazur <PMazur@devlinlawfirm.com>  
**Cc:** Noah P. Dorman <NDorman@kasowitz.com>; Brazos v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Esat, Yusuf <YEsat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>; Schoedel, Lisa M. <LSchoedel@jenner.com>; Nelson, David A. <DNelson@jenner.com>  
**Bcc:** acooper@kasowitz.com; bguignard@kasowitz.com; cjia@kasowitz.com; cnaggar@kasowitz.com; djones@kasowitz.com; dsaxon@kasowitz.com; hkim@kasowitz.com; hstern@kasowitz.com; jspeezak@kasowitz.com; jwaldrop@kasowitz.com; jwhitehill@kasowitz.com; ldartevelle@kasowitz.com; mbarber@kasowitz.com; mhulbert@kasowitz.com; mmartin@kasowitz.com; nwashingt@kasowitz.com; pmiller@kasowitz.com; pwilliams@kasowitz.com; sivan@kasowitz.com; swolfe@kasowitz.com; tnguyen@kasowitz.com  
**Subject:** RE: WSOU v. Netgear - Core Technical Documents and Response to Netgear Letter

---

John,

We agree that it would be helpful to be on the same page. To do so, please send us a redline of NETGEAR's April 21, 2022 meet and confer summary so we can see where the disagreement lies. It would be helpful to have WSOU's Delaware counsel, Peter Mazur, who attended the meet and confer, confirm that he agrees with the redlines. To facilitate WSOU's redline, we have provided NETGEAR's summary (again) at the end of this email.

Three weeks have passed since the April 21, 2022 meet and confer. Your May 3, 2022 email confirms that WSOU has not provided NETGEAR with its list of follow-up questions, as it promised during the meet and confer. Another week has passed without WSOU providing its list. Nonetheless, and in the spirit of cooperation, and without waiting for WSOU's list, NETGEAR has started the process of identifying the chipsets used in the 164 accused products. NETGEAR does not maintain a list of chipsets per product in the normal course of business and this information needs to be manually collected. In addition, NETGEAR has started the process of investigating API calls to Meta's servers for Facebook WiFi even though the API calls to Meta's servers are not relevant to the claims of the '171 patent.

We look forward to receiving WSOU's April 21, 2022 meet and confer summary redline and the promised follow-up correspondence.

Regards,  
Amr.

\*\*\*

#### **NETGEAR's Summary of the April 21, 2022 Meet and Confer**

##### Introduction

On April 21, 2022, WSOU and NETGEAR had a telephonic meet and confer. Attending for WSOU was lead counsel John Downing and Delaware counsel Peter Mazur. Attending for NETGEAR was lead counsel Amr Aly and Lisa Schoedel, and Delaware counsel Jennifer Ying.

John started the call by stating that he wanted to talk about the Rule 30(b)(6) notice dated April 7, 2022, but Amr suggested before talking about the notice that the parties should get on the same page as there seems to be a disconnect. Amr said that we are trying to help WSOU figure out what they actually need.

##### March 15, 2022 Correspondence

To get on the same page, Lisa started by asking John if he understood her March 15, 2022 email that included an explanation regarding how documents were collected from NETGEAR's technical support webpage. John said he did.

##### April 5-6, 2022 Correspondence

Case 1:21-cv-01117-MN-CJB Document 47-11 Filed 06/02/22 Page 3 of 6 PageID #: 991

Lisa then started asking questions about the April 5-6, 2022 email exchange between Lisa and Noah Dorman. Noah's first point was about encryption and John did not know whether there was a production problem or that WSOU was still trying to read machine code. Lisa explained that firmware could be downloaded from the webpage onto the device associated with that webpage.

John was also not familiar with Noah's second point regarding the 150 allegedly missing files. Lisa explained that every file originally produced with the slip sheet that said "UNABLE TO CONVERT" should now have a native file associated with it. If WSOU believes there are still missing files, Lisa told John that WSOU should let NETGEAR know which one(s) are missing, and NETGEAR will provide the file again. As John was not prepared to discuss the April 5-6, 2022 email exchange, Lisa suggested that they go patent-by-patent and discuss what core technical documents were produced. She also suggested that Noah give her a call if he was having problems with any of the documents.

#### '171 Patent

For the '171 patent, Lisa indicated that she had already provided the BATES range for the '171 patent and Jen had already identified the Facebook WiFi Implementation Guide (the "Guide") in previous emails. Lisa provided the BATES number for the Guide, NET0015575. Lisa explained that the Guide is the document that Facebook provides to API developers and this is the document that NETGEAR used to make API calls to Facebook's servers. Facebook's servers then perform all of the functionalities of Facebook WiFi. Included in the Guide are snippets of code that inform the API developers on how to make the API calls. John expressed a concern that if the Guide provides that there are multiple ways to make the same API call, that it may not be clear from the Guide which specific method NETGEAR is using. John then asked if there was a way that NETGEAR could confirm the specific lines of code that NETGEAR uses on its servers. Jen said we would investigate to see if there was a way to confirm which of the API calls in the Guide NETGEAR uses.

#### '630 Patent

For the '630 patent, Lisa used the M7100 as an exemplary accused product. Lisa provided the following BATES numbers:

- NET0007788 – CLI Command Reference Manual
- NET0009053 – Software Administration Manual
- NET0010414 – User Manual
- NET0015354 – Data Sheet
- NET0021633 – Command Line Interface User Manual
- NET0045536 – Broadcom Comprehensive Product Spec
- NET0046125 – Broadcom Product Functional Specification
- NET0054422 – RFC2474 DiffServ

Lisa explained that a user of the M7100 can select Quality of Service (QoS) settings using these manuals. Lisa also explained that the data sheet identifies the IEEE and RFC standards that the M7100 complies with and used RFC2474 as an example. Lisa explained that the user selects whether or not to use DiffServ and how. Jen further confirmed that the user is the one who turns on and off features and that there is no way for NETGEAR to know if users use certain features. John asked us to look at what was on NETGEAR's servers to see what code is available for a particular feature. Jen said we would see if NETGEAR had any additional information, but the chip manufacturer would be the one that would know how the features are implemented. Lisa asked if John had reviewed the two Broadcom documents (NET0045536 and NET0046125); John stated that he had not.

#### Chipsets

John asked if we had a list of chip part numbers and/or chip manufacturers. Lisa said that NET0053671 identifies the chip part numbers for the Orbi products (~87 products), and other documents such as PRDs and P1-Exit documents also have chip part numbers. The chip part numbers should also give WSOU information about who is the relevant chip manufacturer.

#### '096 Patent

For the '096 patent, Lisa used the CAX80 as an exemplary accused product. Lisa provided the following BATES numbers:

- NET0000001 – IEEE 802.11ac
- NET0000432 – Data Sheet
- NET0000444 – User Manual
- NET0017642 – PRD
- NET0017643 – P1-Exit
- NET0053671 – "Features" spreadsheet

Lisa explained that the data sheet describes 802.11, MU-MIMO, and the frequency; the user manual discusses changing WiFi modes; and the PRD, P1-Exit, and "Features" spreadsheet provide the chipset numbers, explicit beamforming, MU-MIMO, and 802.11.

#### Next Steps

Amr asked John if there was anything he needed from NETGEAR now. John said no. He was going to look at the documents and send a follow up correspondence of what WSOU needs. John said he would be back in touch.

\*\*\*

Regards,  
Amr.

---

**From:** John Downing <JDowning@kasowitz.com>

**Sent:** Thursday, May 12, 2022 1:03 PM

**To:** Aly, Amr O. <AAly@jenner.com>; Peter Mazur <PMazur@devlinlawfirm.com>

**Cc:** Noah P. Dorman <NDorman@kasowitz.com>; Brazos v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Esat, Yusuf <YEsat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>; Schoedel, Lisa M. <LSchoedel@jenner.com>; Nelson, David A. <DNelson@jenner.com>

**Subject:** RE: WSOU v. Netgear - Core Technical Documents and Response to Netgear Letter

**External Email - Do Not Click Links or Attachments Unless You Know They Are Safe**

Amr,

Following up on this email. Please let us know by COB today if Netgear will provide the information requested below.

John

---

**From:** John Downing

**Sent:** Friday, May 6, 2022 2:46 PM

**To:** Aly, Amr O. <[AAly@jenner.com](mailto:AAly@jenner.com)>; Peter Mazur <[PMazur@devlinlawfirm.com](mailto:PMazur@devlinlawfirm.com)>

**Cc:** Noah P. Dorman <[NDorman@kasowitz.com](mailto:NDorman@kasowitz.com)>; Brazos v. NetGear (KASOWITZ) <[WSOUvNetGear@kasowitz.com](mailto:WSOUvNetGear@kasowitz.com)>; Jim Lennon <[jlennon@devlinlawfirm.com](mailto:jlennon@devlinlawfirm.com)>; DLF-Lit Paras <[dlflitparas@devlinlawfirm.com](mailto:dlflitparas@devlinlawfirm.com)>; Blumenfeld, Jack <[JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com)>; Ying, Jennifer <[jying@morrisnichols.com](mailto:jying@morrisnichols.com)>; Esat, Yusuf <[YEsat@jenner.com](mailto:YEsat@jenner.com)>; Denti, Mitchell L. <[MDenti@jenner.com](mailto:MDenti@jenner.com)>; Schoedel, Lisa M. <[LSchoedel@jenner.com](mailto:LSchoedel@jenner.com)>; Nelson, David A. <[DNelson@jenner.com](mailto:DNelson@jenner.com)>

**Subject:** RE: WSOU v. Netgear - Core Technical Documents and Response to Netgear Letter

Amr,

Thank you for your email. Respectfully, we do not agree with the summary of the meet and confer you provided, but want to make sure we are on the same page. We had understood that Netgear would provide information regarding its core technical document production so that a deposition of Netgear's corporate representatives would not be needed. If this is not accurate, please let us know. To make sure there is no future confusion, please provide your full explanation of the core technical document production in writing or confirm that your letter provides all such information needed. If we are incorrect and Netgear has not agreed to provide additional information and context we will need available dates from Netgear.

We had also understood that Netgear was going to look into whether Netgear has source code in its possession custody, and control related to the accused features. As you know, Netgear provided non-readable binary files, but we asked at the meet and confer if Netgear has conducted a reasonable search and identified Source Code related to the accused features. As our May 3 letter indicated, this information was requested in written discovery some time ago, but we do not know from your response whether Netgear had actually searched for the information and confirmed that no such information exists. Please confirm and timely update the written discovery.

Again, we believe a deposition would clear this issue up. For example, we explained that the Facebook API document that you referenced as a core technical document would not provide information on how the Netgear product was actually implemented in

Case 1:21-cv-01117-MN-CJB Document 47-11 Filed 06/02/22 Page 5 of 6 PageID #: 993

Netgear's own products - and that we need to know if Netgear possessed source code or technical documents that communicate with the API or Facebook server and how. Your Letter admits that the Facebook document that was identified does not explain how the Netgear product is implemented - so we are confused why Netgear has not moved to supplement its core technical document production in view of its certification to the Court that such production was timely made. Netgear's suggestion that we indicated that we did not want Netgear to look for this information is simply wrong.

Additionally, we would also like to know if Netgear contends that there are third-party chips that contain core technical document information such that Netgear is not in possession, custody, and control of core technical document information regarding products functionality. Since we must obtain the information from Netgear first, please let us know if Netgear will provide the information. During the meet and confer and in the letter, Netgear indicates that Broadcom chips are involved. Please confirm that Broadcom is the only third-party chip that Netgear contends is relevant to the core technical documents, which Broadcom chips are used for each product, and if Netgear is in possession-custody, and control of information regarding how the Broadcom chips (or other chips) function.

Regards,  
John

---

**From:** Aly, Amr O. [<mailto:AAly@jenner.com>]

**Sent:** Friday, May 6, 2022 1:51 PM

**To:** John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>; Peter Mazur <[PMazur@devlinlawfirm.com](mailto:PMazur@devlinlawfirm.com)>

**Cc:** Noah P. Dorman <[NDorman@kasowitz.com](mailto:NDorman@kasowitz.com)>; Brazos v. NetGear (KASOWITZ) <[WSOUvNetGear@kasowitz.com](mailto:WSOUvNetGear@kasowitz.com)>; Jim Lennon <[jlennon@devlinlawfirm.com](mailto:jlennon@devlinlawfirm.com)>; DLF-Lit Paras <[dlflitparas@devlinlawfirm.com](mailto:dlflitparas@devlinlawfirm.com)>; Blumenfeld, Jack <[JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com)>; Ying, Jennifer <[jying@morrisnichols.com](mailto:jying@morrisnichols.com)>; Esat, Yusuf <[YEsat@jenner.com](mailto:YEsat@jenner.com)>; Denti, Mitchell L. <[MDenti@jenner.com](mailto:MDenti@jenner.com)>; Schoedel, Lisa M. <[LSchoedel@jenner.com](mailto:LSchoedel@jenner.com)>; Nelson, David A. <[DNelson@jenner.com](mailto:DNelson@jenner.com)>

**Subject:** RE: WSOU v. Netgear - Core Technical Documents and Response to Netgear Letter

---

**ALERT: THIS IS AN EXTERNAL EMAIL. DO NOT CLICK ON ANY LINK, ENTER A PASSWORD, OR OPEN AN ATTACHMENT UNLESS YOU KNOW THAT THE MESSAGE CAME FROM A SAFE EMAIL ADDRESS.**

---

John - please see attached correspondence, which addresses both your email below and attachment. Regards, Amr.

---

**From:** John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>

**Sent:** Tuesday, May 3, 2022 3:07 PM

**To:** Aly, Amr O. <[AAly@jenner.com](mailto:AAly@jenner.com)>; Peter Mazur <[PMazur@devlinlawfirm.com](mailto:PMazur@devlinlawfirm.com)>

**Cc:** Noah P. Dorman <[NDorman@kasowitz.com](mailto:NDorman@kasowitz.com)>; Brazos v. NetGear (KASOWITZ) <[WSOUvNetGear@kasowitz.com](mailto:WSOUvNetGear@kasowitz.com)>; Jim Lennon <[jlennon@devlinlawfirm.com](mailto:jlennon@devlinlawfirm.com)>; DLF-Lit Paras <[dlflitparas@devlinlawfirm.com](mailto:dlflitparas@devlinlawfirm.com)>; Blumenfeld, Jack <[JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com)>; Ying, Jennifer <[jying@morrisnichols.com](mailto:jying@morrisnichols.com)>; Esat, Yusuf <[YEsat@jenner.com](mailto:YEsat@jenner.com)>; Denti, Mitchell L. <[MDenti@jenner.com](mailto:MDenti@jenner.com)>; Schoedel, Lisa M. <[LSchoedel@jenner.com](mailto:LSchoedel@jenner.com)>; Nelson, David A. <[DNelson@jenner.com](mailto:DNelson@jenner.com)>

**Subject:** WSOU v. Netgear - Core Technical Documents and Response to Netgear Letter

**External Email - Do Not Click Links or Attachments Unless You Know They Are Safe**

Amr,

Please find attached the following correspondence. Also, please see below a summary of our April 21 meet and confer regarding Netgear's core technical document production. We are compiling a list of follow up questions and will be in touch shortly regarding the same. Please let us know if we have correctly summarized the meet and confer below:

**Core technical documents generally:** Netgear produced a number of machine readable bin files. These files are meant to be downloaded onto a device that would read them. Netgear also produced webpages, datasheets, user manuals relevant to the products. The chips related to the accused products are manufactured by Broadcom.

**171 Patent:** Netgear Bates 15575 is Facebook Wi-Fi implementation guide that Facebook gives to Facebook Wi-Fi API developers. Netgear indicated that there is FB code sitting on Facebook's server. Netgear did not know if there was Netgear code that interacted with the FB server/API, but Netgear agreed to look into it and let us know if there is code available.

**630 Patent:** M7100 Netgear 7788 manual example discussed: Software administration manual 9753, software setup manual at 10380. User manual 10414. Datasheet 15354. Command interface user manual 21633, Broadcom comprehensive product spec 46125

These materials show how the owner of the M7100 would set up the products for different classes of service. Datasheet provides protocols IEEE and RFC for disk server 54422.. Datasheet shows which protocols that the product complies with. If set up RFC2474. If product set up, products would comply with RFC 2474, but do not know what users do and do not do with product.

**096 patent.** 53671 lists most of the chips. Others, you would have to go product by product. CX80 product IEEE 80211ac standard. Netgear 1, Netgear 432, we provided datasheet which provides information about mu-Mimo. Provides information about frequencies at Netgear 444 user manual, which provides information about how to change Wi-Fi modes and frequency, talks about 17642 Document and chipsets and explicit beamforming and mu-Mimo. 17643, p1 exit tells chipset document and explicit beamforming and frequency. 53671 features spreadsheet identifies Wi-Fi radio chips if explicit beamforming and if it has mu-Mimo.

John Downing  
Kasowitz Benson Torres LLP  
333 Twin Dolphin Drive, Suite 200  
Redwood Shores, CA 94065  
Tel. (650) 453-5426  
Fax. (650) 362-9430  
[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)

This e-mail and any files transmitted with it are confidential and may be subject to the attorney-client privilege. Use or disclosure of this e-mail or any such files by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please notify the sender by e-mail and delete this e-mail without making a copy.

---

**Amr O. Aly**

**Jenner & Block LLP**  
1155 Avenue of the Americas, New York, NY 10036-2711 | [jenner.com](http://jenner.com)  
+1 212 407 1774 | TEL  
+1 347 302 3128 | MOBILE  
Pronouns: He / Him  
[AAly@jenner.com](mailto:AAly@jenner.com)  
[Download V-Card](#) | [View Biography](#)

CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

---